

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: MARC HUSEMANN ET AL.
SERIAL NO: 10/533,831
FILED: NOVEMBER 11, 2005
TITLE: **POLY(METH)ACRYLATE-BASED PRESSURE SENSITIVE
ADHESIVE**
ART UNIT: 1788
EXAMINER: ANISH P. DESAI

MAIL STOP APPEAL BRIEF

March 21, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF ON APPEAL PURSUANT TO 37 CFR § 41.41

SIR:

Certain points made by the Examiner in the Examiner's Answer merit brief reply.

In the Answer, the Examiner stated:

“[A]ppellants failed to provide any “factual evidence on the record to support their assertion that ‘[s]uprisingly, however, the adhesive did achieve a sufficiently homogenous crosslink’ and [i]t was therefore surprising that the presently claimed adhesive exhibited low wetting behavior, and was able to be easily removed from a surface.” Answer at page 12. (emphasis in original)

The record belies the Examiner's assertion.

As stated previously, the Husemann Declaration establishes the expectation of a

skilled artisan at the time of the invention with respect to crosslinking the claimed monomer mixture combination with aluminum(III)acetylacetonate. Dr. Husemann stated that the apolar nature of the monomer mixture, due to the predominate amount of isobornyl units, would not be expected to be crosslinked by a polar crosslinker such as aluminum(III)acetylacetonate. To Dr. Husemann's surprise, the claimed adhesive was sufficiently crosslinked and exhibited low wetting behavior, which means the adhesive will not exhibit permanent adhesion and can be easily removed from a surface. The factual evidence to support Dr. Husemann's statements would be evidence that the claimed adhesive does not exhibit permanent adhesion and is easily removable from a surface, i.e., has low wetting behavior. The Examiner has clearly ignored this evidence, which is contained in the specification as filed.

More precisely, the specification contains four examples according to the present invention, each of which exhibit low wetting behavior by virtue of being able to be easily removed from a substrate. In fact, the presently claimed adhesive is able to be removed from the substrate almost as easily after four days of adhesion as compared to seconds of adhesion. (See Specification, page 21, Table 2, where the bond strength shows minimal increase after four days of adhesion¹). Accordingly, the record contains ample "factual evidence" to support Dr. Husemann's assertions that the presently claimed adhesive achieved surprising success as a removable adhesive.

For the foregoing reasons and for the reasons advanced in Appellants' Appeal Brief, Appellants respectfully request that the Honorable Board reverse the final rejections.

¹ Bond strength values relate to the adhesive's ability to be removed from a substrate. The lower the bond strength, the more easily an adhesive can be removed from a substrate. Conversely, bond strengths increase as an adhesive becomes harder to remove from a substrate. In general,

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, appellant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

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